

### **REMARKS**

Entry of the present amendment, and favorable reconsideration and allowance of this application are requested.

As a procedural note, the present amendment is being filed concurrently with a formal Request for Continued Examination (RCE) under 37 CFR §1.114. Accordingly withdrawal of the "finality" of the August 2, 2007 Official Action is in order so as to allow entry and consideration of the amendments and remarks presented herewith.

By way of the amendment instructions above, the subject matter of claim 9 has been incorporated into the amended version of claim 1. As such, claim 9 has been cancelled as redundant.

Therefore, upon entry of the present amendment, claims 1-8, 10 and 12-13 will remain pending herein for which allowance is solicited.

#### **1. Response to Art-Based Rejection**

The only issue remaining to be resolved in this application is the alleged anticipation (35 USC §102(b)) of prior claims 1 and 3-12 based on Berger et al (WO 9724389).<sup>1</sup> Applicants respectfully suggest that the present invention is both novel and unobvious over Berger et al.

Applicants note at the outset that Berger et al's one-step process is not at all anticipatory of the present invention. Nor does such a one-step process render obvious the present invention as defined in independent claim 1. In this regard, one cannot (as the Examiner has apparently done) simply "pick and choose" any point in the Berger et al process whereby the  $T_{\text{dew}}$  temperatures and viscosity numbers correspond to those

claimed. Thus, the present amendments to claim 1 clarify that the invention pertains to a two-step post-condensation process – that is, a post condensation process comprising a first post-condensation step which at the end of which the polyamide polymer has an intermediate-viscosity corresponding with a viscosity number  $VN_{int}$ , followed by a second post-condensation step at the end of which the polyamide polymer has an end-viscosity corresponding with a viscosity number  $VN_{end}$ , whereby  $VN_{int}$  is at most 90% of  $VN_{end}$ , measured according to ISO 307. Berger et al simply does not contemplate or teach such a process.

What Berger et al do teach is that there are three separate phases of operation, namely (1) a heating phase, (2) a post-condensation phase and (3) a cooling phase. (Col. 3, lines 20-21) Berger et al teach that the post-condensation batch should have a (read: singular) desired dew point.

The variation in the dew-point during the post-condensation phase s illustrated in Figure 2 is due to the initial moisture given off by the granulate which causes the dew point to be initially too high at first. (Col. 3, lines 36-39).

Therefore, while the dew-point of the carrier gas may fluctuate during the post-condensation phase of the process, there is no disclosure in Berger et al of a two step post-condensation process at elevated temperatures in which the first step involves exposing the polyamide to an inert gas atmosphere dew point at least  $10^0\text{C}$  higher than the inert gas atmosphere of the second step, as defined in amended claim 1. Even if uncontrolled process variations disclosed in Berger et al could arguably be described as a “two step” process, which the applicants maintain is most certainly not the case, the difference between the dew points is less than  $10^0\text{C}$ .

---

<sup>1</sup> The combination of claims 1 and 9 render moot the Examiner's other rejections of record advanced under 35 USC §102(b) based on Dujari et al, Van Ruiten et al and Beaton (i.e., since claim 9 was not rejected on the basis of such patents).

Therefore, Berger et al cannot anticipate the presently claimed invention as defined by pending claims 1-8, 10 and 12-13. Moreover, there is nothing in Berger et al that would direct an ordinarily skilled person to such claimed subject matter.

Withdrawal of the rejection advanced under 35 USC §102(b) based on Berger et al and early passage of this application to issue are therefore requested.

**2. Fee Authorization**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:           /Bryan H. Davidson/            
Bryan H. Davidson  
Reg. No. 30,251

BHD:dlb  
901 North Glebe Road, 11<sup>th</sup> Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100